IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 626 OF 2005

Maruti Devasthan Trust, Malegaon .....Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. P.N. Joshi for the Petitioner

Mr. V.P. Malvankar, Assistant Government Pleader, for the State.

CORAM: DALVEER BHANDARI, C.J., &
S.A. BOBDE, J.
DATE: FEBRUARY 17, 2005.

P.C.

1. Rule. Mr. V.P. Malvankar, learned Assistant Government Pleader, waives service of Rule on behalf of the State. By consent, the Rule is made returnable forthwith and taken up for hearing.
2. By this petition, the petitioner is seeking a very limited relief whereby the petitioner's application, which is pending before the second

respondent – Collector, Nashik - under Section 28-A of the Land Acquisition Act, 1894 ("the Act", for short), may be decided expeditiously. It appears that pertaining to the notification, which covers the land involved in this petition, on 12th May, 2003, the Reference Court has granted enhanced compensation. Based on the same, an application was filed under Section 28-A of the Act on 10th September, 2003.

3. In the aforesaid facts and circumstances, we direct respondent No.2 – Collector, Nashik – to decide the said application for enhancement of compensation under Section 28-A of the Act as expeditiously as possible, preferably within four months from the date of receipt of this order. While doing so, the second respondent shall take into account the decision of the Supreme Court in the case of ***Union of India and Ors. v. Mangatu Ram***, reported in AIR 1997 SC 2704.

4. No further directions are necessary. Rule is made absolute in the above terms. The Writ Petition is accordingly disposed of.

CHIEF JUSTICE

S.A. BOBDE, J.